

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHANE T. BORMAN,

Plaintiff,

Case No. 2:12-cv-509

JUDGE GREGORY L. FROST

Magistrate Judge Norah McCann King

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This action seeks review under 42 U.S.C. § 405(g) of a final decision of the Commissioner of Social Security denying Plaintiff's applications for a period of disability, disability insurance benefits, and supplemental security income. On July 8, 2013, the United States Magistrate Judge recommended that the decision of the Commissioner be reversed pursuant to sentence 4 of 42 U.S.C. § 405(g) and that this action be remanded to the Commissioner for consideration of the medical opinion of David Bousquet. (Report and Recommendation, ECF No. 22.) The Magistrate Judge determined that the record failed to show that the administrative law judge considered Mr. Bousquet's medical opinion. (*Id.* at PageID# 636.) The Magistrate Judge also recommended that Plaintiff's motion to remand (ECF No. 19) be denied as moot in light of the recommendation to reverse the Commissioner's decision.

The Report and Recommendation advised the parties of their right to object to the Magistrate Judge's recommendation and of the consequences of their failure to do so. Specifically, the Magistrate Judge advised the parties that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the District Court's decision adopting the Report and Recommendation.

(ECF No. 22 at PageID# 637.) Despite this advisement, there has been no objection to the Report and Recommendation.

The Court **ADOPTS AND AFFIRMS** the Magistrate's Report and Recommendation. (ECF No. 22.) The decision of the Commissioner is **REVERSED** and the matter is **REMANDED** to the Commissioner for further proceedings to consider the medical opinion of David Bousquet. The Court **DENIES AS MOOT** Petitioner's motion to remand (ECF No. 19).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE